

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**"METHOD OF STAINING, DETECTING AND COUNTING BACTERIA, AND A  
DILUENT FOR BACTERIAL STAIN"**

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I also acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37 CFR 1.63(d), which occurred between the filing date of the prior application and the filing date of the continuation-in-part application, if this is a continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<b>Prior Foreign Application:</b>	<b>Country:</b>	<b>Japan</b>
	<b>Appln. No.:</b>	<b>2000-334641</b>
	<b>Filed:</b>	<b>November 1, 2000</b>

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Address all telephone calls to Lance J. Lieberman, Esq. at telephone No. (212) 687-2770.

Address all correspondence to:

Lance J. Lieberman, Esq.  
Cohen, Pontani, Lieberman & Pavane  
551 Fifth Avenue, Suite 1210  
New York, New York 10176

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full Name of Sole or First Inventor: Yasuhiro SAKAI**

Inventor's signature: Yasuhiro Sakai

Dated: 10/22/2001  
Month/Day/Year

Residence: Hyogo, JAPAN

Citizenship: Japan

Post Office Address: 14-10-305, Maikozaka 1-chome, Tarumi-ku, Kobe-shi,  
Hyogo 655-0044 JAPAN

**Full Name of Sole or Second Inventor: Yasuyuki KAWASHIMA**

Inventor's signature: Yasuyuki Kawashima

Dated: 10/22/2001  
Month/Day/Year

Residence: Hyogo, JAPAN

Citizenship: Japan

Post Office Address: 16-5, Takaoka 7-chome, Okubo-cho, Akashi-shi,  
Hyogo 674-0057 JAPAN

**Full Name of Sole or Third Inventor: Junya INOUE**

Inventor's signature: Junya Inoue

Dated: 10/22/2001  
Month/Day/Year

Residence: **Hyogo, JAPAN**

Citizenship: **Japan**

Post Office Address: **283, Naka-cho, Ono-shi,  
Hyogo 675-1332 JAPAN**

**Full Name of Sole or Fourth Inventor: Yoshiro IKEUCHI**

Inventor's signature: Yoshiro Ikeuchi

Dated: 10/22/2001  
Month/Day/Year

Residence: **Hyogo, JAPAN**

Citizenship: **Japan**

Post Office Address: **18-6, Miyashita 1-chome, Nishi-ku, Kobe-shi,  
Hyogo 651-2146 JAPAN**

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U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Attorney Docket 3029-74

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Yasuhiro SAKAI  
Yasuyuki KAWASHIMA  
Junya INOUE  
Yoshiro IKEUCHI

2. Name and address of receiving party(ies):

Name: Sysmex Corporation

Internal Address:

Street Address: 5-1Wakinohama-Kaigandori 1-chome,  
Chuo-ku, Kobe-shi,

City: Hyogo

State/Country: Japan

Zip: 651-0073

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Additional name(s) & address(es) attached? ☐ Yes ☒ No

Execution Date: October 22, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: October 22, 2001

A. Patent Application No.(s)  
SN.:

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Lance J. Lieberman

Internal Address: Cohen, Pontani, Lieberman & Pavane

Street Address: 551 Fifth Avenue, 12<sup>th</sup> Floor

City: New York State: New York Zip: 10176

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$40.00

- ☒ Enclosed  
☒ Authorized to be charged to deposit account

8. Deposit account number: 03-2412  
(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Lance J. Lieberman  
Name of Person Signing  
Reg. No. 28,437

Signature

October 29, 2001  
Date

Total number of pages including cover sheet, attachments, and document:

3

Mail documents to be recorded with required cover sheet information to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

22858 U.S. PTO  
10/803667



## ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, We the undersigned,

**Yasuhiro SAKAI, Yasuyuki KAWASHIMA, Junya INOUE and Yoshiro IKEUCHI**

(hereinafter referred to as "ASSIGNOR"):

Hereby sell, assign and transfer to

**SYSMEX CORPORATION**

(hereinafter referred to as "ASSIGNEE"), a corporation of Japan, having a place of business at

**5-1, Wakinohama-Kaigandori 1-chome, Chuo-ku, Kobe-shi, Hyogo 651-0073 JAPAN**

its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith, and is entitled

**"METHOD OF STAINING, DETECTING AND COUNTING BACTERIA, AND A DILUENT FOR BACTERIAL STAIN"**

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name, and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute,

renewal, reissue, and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and other papers, communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: 10 / 22 / 2001  
month/day/year

Yasuhiro Sakai  
Yasuhiro SAKAI

Date: 10 / 22 / 2001  
month/day/year

Yasuyuki Kawashima  
Yasuyuki KAWASHIMA

Date: 10 / 22 / 2001  
month/day/year

Junya Inoue  
Junya INOUE

Date: 10 / 22 / 2001  
month/day/year

Yoshiro Ikeuchi  
Yoshiro IKEUCHI